IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

LA.App..No. 1054 of 2002()

LAR.109/1998 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT: CLAIMANTS
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1. LAIJU S/O. POULOSE, ARAKKAL,
AVANAMCODE.

2. LIGU S/O. POULOSE, DO.DO.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.VINOD RAVINDRANATH

RESPONDENTS: RESPONDENTS
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1. KERALA STATE REPRESENTED BY SPECIAL
TAHSILDAR (LA) NO.1 KIA NEDUMBASSERY, ANGAMALY.

2. KOCHI INTERNATIONAL AIRPORT SOCIETY,
REPRESENTED BY ITS MANAGING DIRECTOR,
ANGAMALY, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ
SMT.T.N.GIRIJA, SC, COCHIN INTERNATIONAL AIRPORT LTD
SRI.N.N.SUGUNAPALAN (SR.)

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1054 OF 2002

Dated this the 3rd day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 109/1998 on the file of Principal Sub Court, North Paravur.

2. The appellants have two contentions, one regarding the land value and other regarding the value of structures. As far as land value is concerned, in view of the judgment in L.A.A. No. 412/2001, the appellants shall be entitled only to 45% enhancement on the value fixed by the Land Acquisition Officer.

3. As far as the value of structures is concerned, it is seen that the claimants have placed reliance on Exhibit A2 Commission report in O.S. No. 680/1996 on the file of Munsiff Court, Aluva. Advocate Commissioner valued the structures at Rs. 96,032/-. Land Acquisition Officer granted Rs. 47,500/- and the reference court did not grant any enhancement.

Since in similar cases, this Court has already held as per judgment in L.A.A. No. 295/2002 that the report of the Advocate

Commissioner has to be accepted in evidence, after deducting the value for depreciation and in view of the claim limited by the appellants to Rs. 23,750/- only, we partly allow the appeal holding that the appellants shall be entitled to a further award of Rs. 23,750/- for the value of structures and consequential eligible benefits.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1054 OF 2002

J U D G M E N T

03.10.2007